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OFFICE OF PETITIONS

In re Application of
Wells, et al.
Application No. 10/043,833
Filed: January 11, 2002
Attorney Docket No. SUNESIS.2DV1C1
For: METHODS FOR RAPIDLY
IDENTIFYING SMALL ORGANIC
MOLECULE LIGANDS FOR BINDING TO
BIOLOGICAL TARGET MOLECULES

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: DECISION GRANTING
: PETITION
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This is a decision on the petition entitled, "PETITION UNDER 37 CFR 1.182," filed April 23, 2002 (certificate of mailing date April 18, 2002), requesting, in effect, withdrawal of the Notice to File Omitted Item(s) in a Nonprovisional Application (Notice). The petition will be treated under 37 CFR 1.53(e).

The application was filed on January 11, 2002. On April 4, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners that page 29 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that page 29 be accorded a filing date of January 11, 2002 on the basis that 36 sheets of specification, including allegedly missing page 29, were received in the Patent and Trademark Office (PTO) on January 11, 2002. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing January 11, 2002 as the date of receipt. The postcard lists, *inter alia*, that the filing included 36 pages of specification.

The return postcard constitutes *prima facie* evidence that 36 pages of specification, including page 29, were filed on January 11, 2002. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, deposit account no. 11-1410 will be credited the \$130.00 petition fee.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of January 11, 2002, using the copy of page 29 submitted with the instant petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy